IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 588 of 2004

Between:

1 Rasheeda Begum D/o. Ahmed Bee Syed
Government Aided V.S.S.No. Bharathi U.P. School, Warangal.
2 Ch. Krishna Murthy S/o. Raja Narsaiah
Government Aided St. Jerusa U.P. School, Kummarapally, Hanamkonda, Warangal.
3 T.V.Seshachary S/o.Ramana Durgaiah
Government Aided St. Jerusa U.P. School, Kummarapally, Hanamkonda, Warangal.
4 R.Jitender, S/o.Kumaraswamy
Government Aided V.S.S.No. Bharathi U.P. School, Warangal.
5 R.Savithri W/o.R.Chalapathi Rao
Government Aided Ramakrishna Vidyalaya School, Girmajipet, Warangal.
6 B.Hariprasad, S/o. Krishsna Murthy
Vellangini U.P.School [English], Kazipet, Warangal.
7 K.Umarani D/o. Rajamouli
Government Aided Ramakrishna Vidyalaya School, Girmajipet, Warangal.

..... PETITIONERS

AND

1 The District Educational Officer, Warangal.
2 The Commissioner & Director of School Education, Warangal.
3 Government of A.P., rep., by its Secretary, Educational Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus declaring that the petitioners are entitled for extension of Grade-I Language Pandit Scale from the date of their 1st appointment or from the date of acquiring the Grade-I Qualification in terms of G.O.Ms.No.330, Education dated 10-8-1983 and also in terms of the Judgment of the Hon'ble High Court in W.p.No.26260 of 2000 and batch, dated 12.9.2003 with all consequential benefits including arrears of pay by holding the action of the respondents in not extending the Grade-I Scale to the petitioners on the pretext of one reason or the other on ground of cut of date imposed inG.O.Ms.No.330, Education, dated 10-8-1983 even though the same was held to be illegal is as illegal, improper, unjust and arbitrary and in clear discrimination offending Articles 14,16 and 21 of the Constitution.

Counsel for the Petitioners: MR.D.BALA KISHAN RAO

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

The petitioners were originally appointed as Grade-II Language Pandits in between 1987 to 1993 having qualifications of Grade-I Pandit. It is stated that they are qualified to hold the post of Grade-I Language Pandit from the date of their appointment. The Government issued G.O.Ms.No.330, Education, dated 10-8-1983 sanctioning the Grade-I scales to pay to the Grade-II Language Pandits working in High Schools,Upper Primary Schools and in all local body schools in respect of teachers who are working in Grade-II Pandits prior to 11-3-1982 subject to fulfilling certain conditions. While so, the Government issued G.O.Ms.No.176,Education, (SE.SER.III) Department, dated 22-12-2000 canceling the benefits given in G.O.Ms.No.330,Education,dated 10-8-1983.

Questioning the said G.O.Ms.No.176 dated 22-12-2000, several cases were filed before the Administrative Tribunal in O.A.No.377 of 2001 and batch, and the Tribunal had upheld the issuance of G.O.Ms.No.176 dated 22-12-2000 by a common order, dismissing the O.A.No.377 of 2001 and batch.

Aggrieved by the said common order, such similarly situated Grade-II Pandits filed W.P.No.26260 of 2000 and batch and a Division Bench of this Court by Judgment dated 12-9-2003 allowed the said writ petitions setting aside the G.O.Ms.No.176 dated 22-12-2000 and upheld the G.O.Ms.No.330,Education, dated 10-8-1983.

Aggrieved by the said Judgment of the Division Bench of this court, the Government had filed Special Leave Petitions (Civil) Nos.5869 -5998 of 2004 and the Hon' ble Supreme Court by order dated 27-7—2004 dismissed these Special Leave Petitions.

Therefore, I am of the view that the subject matter of the present writ petition is covered by the Judgment dated 12-9-2003 of this Court in W.P. No.26260 of 2000

and batch, in P.Chandra Sekhar Naidu Vs. Correspondent, SSRSO Upper Primary School, Srikalahasti.

Following the said Judgment dated 12-9-2003 of this Court in W.P.No.26260 of 2000, this writ petition is accordingly allowed in terms of the said Judgment. There shall be no order as to costs.

V.ESWARAIAH, J

03-09-2004

Stp

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday, the third day of September, Two Thousand and Four.

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Educational Officer, Warangal.
2 The Commissioner & Director of School Education, Warangal.

3 The secretary, Educational Department, Secretariat, Government of A.P., Hyderabad.

4 2CCs to G.P.forSChool Educatio,A.P.High Court Buildings,(OUT)

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THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 588 of 2004

3rd September,2004.